

I MINISTERS AND OFFICIALS

1. Extortion by sheriffs (SC 8/316/E216)

1302

Summary

The people: complaint about the great damage and destruction done to them by sheriffs, who oppress people by appointing men to indict those against whom they bear ill will, or whose property they covet, and then extort money by having them imprisoned and put up for mainprise. In particular, the sheriff of Shropshire has made in excess of £200 from the deliverance of prisoners in this way. Request that the king ordain a remedy against such false indictments.

Response: It is attested before the council by the barons of the exchequer that the sheriff is elected by the whole county, and if they feel themselves injured they should come to the exchequer and justice will be done to them.

Text

A nostre seignur le Roy e a son conseil se est mustre pur son poeple; par la ou les viscountes funt graunt damage e destruction \al poeple/ dunt rien ne profite a nostre seignur le Roy, mes son poeple iest rient, par la ou les viscountes e leur clerks a leur grauntz turns par gent qe le viscounte ad procure en chescun hundred qi sunt attitlez a ly de enditer gentz vers qui il ad envie ou mal volunte, ou coveite leur terres ou leur chateus, dunt il prent de lele gentz qi sunt enditez pur suet de prisun, ou pur mettre les par meinprise de les vins dys liveres, de les autres x marcz, cent soutz, plus e meyns, de tieus qi sunt tenuz quant il venent a la deliveraunce les plus lele gentz de tut le pais, e tieus sunt enditez quant le viscounte ad resceu argent de eux qi iammes devaunt iustices ne venaunt, dunt le viscounte de Salop' fist aunt an deus centz e \trente/ treis e les detynt en prisun, dunt Sire William Inge et Roger de Suthcote furent a la deliveraunce, dunt nul de ceux fust penduz, for deus cheityfs qi avoient demore deus ans en la prison, par quey la visconte gayna a cele sule deliveraunce plus de

deus cent liveres, dunt graunt hunte est a lele gent estre en prisone e estre reint ia le plus tard saunz desert, dunt graunt aumoyne serroit a nostre seignur le Roy e graunt profyt a son poeple si il vousist ordener certeyne remedie sur teux baillyfs e faus enditurs, qi empoverissent e honissent sa tere e il ne ad nul profyt.

Response: Testificatum est coram consilio per barones de scaccario quod vicecomes est electus per totum comitatum, et si iniurietur eis veniant ad scaccarium et fiet eis iusticia.

Note

This petition was previously printed in Haskins 1937 (p. 316, where the word ‘sule’ is omitted). It is part of an original file returned to the exchequer from the parliament of July–August 1302. Although in the name of ‘the people’, the specific complaint against the sheriff of Shropshire (actually the joint sheriff of Shropshire and Staffordshire, in this case Richard de Harley) supports Haskins’s suggestion that the complaint derives from the political community of Shropshire. In the *Articuli Super Cartas* of 1300 (*SR*, I, 139), Edward I had granted shires the right to elect their own sheriffs, referred to in the response to this petition. The election in the shrievalty of Shropshire and Staffordshire is the only known use of this right; as this petition demonstrates, the results were disastrous, leading to a power struggle between two local factions (*VCH Shropshire*, III, 17–18; Gorski 2003: 34). The right of election was abandoned in the Ordinances of 1311, although the choice and conduct of sheriffs remained a contentious issue throughout the 1310s and 1320s (see nos 4 and 5).

2. Jurisdiction of forest officials (C 49/5/18) **1307–1327**

Summary

The commonalty of the land: complaint that the official of the justice of the forest south of the Trent comes into the country where there are forests and holds inquests in areas in which he does not have jurisdiction, not having regard for those woods that were disafforested by the king’s father (in a grant confirmed by the present king), to the harm of the people. Furthermore, the stewards of the forest and their ministers charge people with disputations in places where previously none were charged, which is a great burden to the people. Request for a remedy.

Response: Let it be pursued in chancery, and a remedy be ordained.

Text

A nostre seigneur le Roi et a son conseil mustre la comunalte de sa terre; qe cum le lutenaunt sa iustice de la forest de sa Trente viegnie en pays ou forestes sount et preignie ses enquestes par un garaunt, le quel ne veut qil eyt conisaunce par vertue de soun garaunt forqe la demeyne boys nostre seigneur le Roy, mesme celui lutenaunt prent ses enquestez et comaunde attachements auxi larges en toutz les lius del dit forest, nent eyaunt regard a la boys queux furent desaforesteez par le graunt nostre seigneur le Roy soun bon piere et par nostre seigneur le Roy qe ore est conferme, a diverses grevaunces du people; e les seneschals de la foreste et lour ministres chargent gentz despeutisouns en les lius la ou unke nul ne fuit charge ne demaunde en nul temps de la foreste ecestes durettes grevaunces, en grant charge du people. De quele chose il prient a nostre seigneur le Roy e a soun conseil remedie si lui plest.

Response: Sequatur in cancellaria et ibi sibi fiat remedium.

Note

Complaints about the extent of the royal forests were particularly frequent in the century or so after the Charter of the Forest was first granted in 1217 (Bazeley 1921). The forest became a point of contention in the crisis of 1297–1298, with accusations that Richard I, John, and Henry III had afforested new areas since the reign of Henry II. In 1300 Edward I had been compelled to concede new perambulations of the forests as the price of a tax of a fifteenth, as a consequence of which large amounts of land were taken out of forest jurisdiction (Prestwich 1972: 266–267; Young 1979: 136–140; Prestwich 1988: 518–527). Edward resented this disafforestation, and in the Ordinance of the Forest of 1306 he nullified all perambulations made since 1297 (*SR*, I, 147–149).

The present petition dates from the reign of Edward II or, conceivably, the first parliament of Edward III. In 1316, Edward II ordered new perambulations of the forests in return for subsidies, but his consent was reluctantly given and the surveys were never completed (Young 1979: 144–145). In 1323, the king ordered the keepers of the forest north and south of the Trent to reafforest all lands which had been forest in 1217 (*CCR*, 1318–1323, p. 634; *CCR*, 1323–1327, p. 22). This reafforestation and the actions of the keepers or justices of the forest (or their deputies) prompted complaint in the first parliament

of Edward III's reign. There is a damaged petition concerning perambulations and forest officials on the parliament roll for January–March 1327 (*RP*, II, 7 = *PROME*, IV, 7), along with complaints about William Cleydon, former lieutenant of Aymer de Valence and Hugh Despenser as justices of the forest, and an unnamed lieutenant of Henry Scrope, current justice south of the Trent (*RP*, II, 10 = *PROME*, IV, 19–20). The two officers were variously styled 'keeper' or 'justice' at different times, but by the 1320s it is likely – as the present petition implies in the complaint against their lieutenants – that much of their actual work was done by deputies (Neilson 1940: 405).

In the January–March 1327 assembly, Edward III's new regime granted a statute ordering that the Charter of the Forest be 'observed and kept in every article', and that the perambulations of Edward I's reign were to mark the forest boundaries (*SR*, I, 255). It is not impossible that this petition was one of the complaints on the subject of forest jurisdiction and officials presented to the first parliament of 1327, as the culmination of grievances against Edward II's forest policy. While the reference to the 'grant of the king's father' being 'confirmed by the present king' might suggest a date before the deposition of Edward II, the uncertainties over the change of regime in the winter of 1326–1327 meant that some petitions processed in the January–March parliament were in fact addressed to Edward II (Sneddon 2009).

3. Extortion by royal ministers (SC 8/334/E1149) c.1307–c.1327

Summary

Poor people of the realm of England: complaint that no remedy is available against outrageous injustices committed by ministers of the king against the poor, except by writs of chancery and exchequer, which are not upheld without bribes that poor men cannot afford. Request that a punishment might be swiftly ordained, as without this the ministers will not cease to commit wrongs.

Response: The complainants should sue before the king's justices assigned in each county to hear complaints against his ministers, and let justice be done before them.

Text

A nostre seignur le Roy et a son counsell monstrount ses poveres gentz de son roialme d'Engleterre; qe com des tortz et outrageous

grevaunces fetz par les ministres par colour de lour offitz al poveraille n'est remedie ordine ne purveu, sinoun par les brefs le Roy qe issent hors de la chauncellerie e del eschequer, de cesser de la duresce par eus fete al dite poveraille, les queus brefs il ne voillent allouer forsqe a lour volunte, sil ne seit par grant doun fet a eus, quel charge un pover homme ne put endure pur ceo q'il n'ad de quay, ne pur sa povert ne put plus avaunt sure remedie, e issint demoerent lour tortz e lour gravances e lour desobeissaunce despuniz, e dounent ensample par tiel desobeissaunce as autres qe ne sount pas ministres nostre seignur le Roy d'estre meyns obbeissauntz a les comaundemenz nostre seignur le Roy et a la pes. Par quai ils prient pur Deu et par charite qe tele penaunce \redde/ seit a tels ministres \ordeynez/ livere quant ils serrount de ceo ateyntz, qe sait de profit du poverail kare pur ledger penaunce ne sesserent ils de mal faire.

Response: Sequantur conquerentes coram iusticiis Regis quos ad querelas \de/ ministris suis per singulis comitatibus audire assignantur, et coram eis fiat iusticia.

Note

Although this petition presents a fairly general complaint against the abuses of royal officials, the hand would suggest a date in the early fourteenth century. It is not impossible that it could come from the final years of Edward I, but the contents make it more likely to be a product of the reign of Edward II; the *terminus ad quem* could be in the reign of Edward III, but the fact that the response is written in Latin also tends to suggest a date no later than the 1320s (after which French tended to prevail). The petition alludes to the problem of seeking remedy against royal officials when the latter were themselves instrumental or influential in the serving of the writs of chancery and exchequer that were meant to begin process in the courts; the implication is that a more immediate form of remedy, as provided by bill procedure, ought to be more widely available (*SCCKB*, IV, lii–liii). The response alludes to the provision of just such a remedy before one of the special commissions of oyer and terminer appointed periodically under Edward II (and his successor) to deal with law and order in the shires, which sometimes included the authority to investigate abuse of office by sheriffs and other local ministers of the crown (Gorski 2003: 118; and see nos 4 and 109). The very general nature of the petition makes it impossible to link it decisively to any one of these initiatives.

4. Rights and replacement of sheriffs (SC 8/136/6751) 1311–1331

Summary

The prelates, earls, and barons and all the commonalty of the realm: request that the ordinances on the rights of sheriffs and other ministers be upheld, and that if any sheriff or other minister is accused of going against these ordinances, he be removed and another suitable person appointed.

Response: Let the treasurer and barons of the exchequer order that, if any sheriff goes against the ordinances and statutes of the king, he is to be dismissed and another appointed in his place.

Text

A nostre seynnur le Roi et soen consail prient les prelatz, countes et barons et tute la cominalte de soen roialme; qe les ordinaunces en droit des viscountes e ces altres ministres seient tenutz et gardetz, e qe si nul viscount ou altre ministre soit mys countre les dites ordinaunces, sont remue e altre covenable mys solom les dites ordinaunces.

Response: Mandetur per breve thesaurario et baronibus de scaccario quod ipsi contra ordinaciones et statuta regni de cetero nullum vicecomitem admittant, et si qui contra ordinaciones admissi fuerint quod illos sine dilacione ammoveant et alios iuxta formam statuti admittant.

Note

A note on the guard dates this petition to 1319, although without explanation or obvious justification. It appears to date from the period between the Ordinances of 1311 and the establishment of Edward III's personal rule, although petitions or clauses of multiple petitions seeking action against inappropriate or miscreant sheriffs, as well as attempts to regulate the type of men appointed, can be found throughout the fourteenth century (see nos 5, 7, 11, 109, 114, 117, 118, and 121). In 1300, the *Articuli Super Cartas* had introduced a brief and unsuccessful period where the government experimented with electing sheriffs (see no. 1), which had been ended by the Ordinances in 1311. The new provisions dictated that sheriffs should be appointed by the chancellor, treasurer, and members of the council (or, in the absence of the chancellor, by the treasurer and barons of the exchequer or by

the justices of the bench), and that those appointed should be ‘fit and sufficient’ and hold enough land (*SR*, I, 160). The Statute of Lincoln in 1316 (*RP*, I, 343 = *PROME*, III, 187–188; *SR*, I, 174–175) affirmed the procedure outlined in the Ordinances and came to be viewed as the key legislation on the powers and conduct of sheriffs into Edward III’s reign (this is especially evident in responses to several clauses dealing with sheriffs in no. 115). The absence of any mention of this statute raises the possibility that the present petition could date between 1311 and 1316.

It is still possible, however, that the petition dates from some time after the Statute of Lincoln. In 1318 it was ordered that all sheriffs be suspended from office and subject to inquiries into possible misconduct (*RPHI*, pp. 6–7 = *PROME*, III, 257); Edward III repeated the process in 1331 (Morris 1947: 39). The Statute of Lincoln was confirmed by the Statute of York in 1322 (*SR*, I, 189) and by a further statute in 1328 (*SR*, I, 258). The present petition, with its characteristic emphasis on the rights of the sheriff and other officials, could conceivably be a reaction against the drastic measure of wholesale dismissals and a plea for moderation in the general treatment of the official class.

5. Conduct and status of sheriffs (C 49/4/20) c.1318–c.1322

Summary

The commonalty of England: complaint that sheriffs and under-sheriffs in the counties take fees, robes, and pensions in contravention of the Statute of Lincoln, which states that sheriffs should not be in the service of great lords in order that they might be loyal to the king and the people and give full attention to their office. Request for a remedy.

Response: A writ should be sent to the treasurer and barons regarding the Statute of Lincoln, and those wishing to do so should make their complaint.

Enrolled.

Before the great council.

Text

A nostre seignour le Roi et a soun consail monstre la comunalte d’Engleterre; qe come les viscountes et surviscountes en leur countez

pernunt feetz, robes ou pensiouns, ceo cestasavour, ascuns pernunt sessaunte robes et quatre vynt feez et pensiouns en meyme le counte, et ascuns dieux centz, et les surviscountes en pernent meyme les feez, robes, pensions a plus pres come eux poient en pursiwauntz lour meistres, dount la povre poeple ne poient aver nule manere de reisoun ne de dreit encountre nul de ceus ove qi les avaunt ditz viscountes et surviscountes sount demoretz, et neynt eiaunt regard al estatut de Nichole, qe veet qe nul ne seit senechal ne baillif ne du fee de graunt seigneur qe enprendreit le office mes q'il seit tiel q'il pusse de tut atendre al office pur lealment le Roi et le poeple. Dount la dite comunalte prie al dit nostre seigneur le Roi qe de ceste duresce lour seit fait remedie.

Response: Seit fait bref as thresorer et barons sur le statut de Nicole, et qe il le facent tenir a la sute de ceus qe se vodront pleindre.

Irrotolatur.

Coram magno consilio.

Note

Corruption and malpractice amongst sheriffs was a common concern in the fourteenth century (Gorki 2003: 102–125; and see no. 4). In the reign of Edward II, the links between sheriffs and great lords became of particular significance in the series of conflicts between king and barons, with a struggle for power at the local level amongst retainers of the various factional leaders. The Statute of Lincoln of 1316 (*PROME*, III, 187–188; *SR*, I, 174–175) became the central legislation dealing with sheriffs during the troubled years that followed its enactment (see nos 4 and 115). The reference to that statute means that this petition must date after 1316. There is a very similar though less detailed complaint about sheriffs and under-sheriffs that forms one of four clauses in a petition presented to the parliament of February–March 1324 (no. 114). It seems plausible that the present petition dates from one of the parliaments held between 1318 and 1322, though a later date could also be a possibility. The extant roll of the first parliament after the Statute of Lincoln was enacted, held at York in October–December 1318, records a petition from ‘the baronage with the commonalty of the people’ asking for the replacement of all except the three northernmost sheriffs on the grounds of misconduct and for an inquiry into the conduct of local officials, a request which the king granted (*PROME*, III, 257). And at the parliament at York in May 1322, the king included the provisions of the Statute of Lincoln in the measures to be re-enacted (Davies 1918: 526). The

continuing re-enactment of similar legislation during the remainder of Edward II's reign and the early part of Edward III's indicate that the conduct and status of sheriffs continued to be perceived as a problem (Morris 1947). The present petition was previously published by Davies (1918: 582), and is re-edited here with minor differences.

6. Release of prisoners by the marshal of the king's bench (SC 8/3/129)

1320

Summary

[No petitioner specified]: according to the law of the land, the king should hold in prison any man indicted or charged with felony. However, the marshal of the king's bench is allowing those indicted of homicide or other felonies, who are not repleviable and are delivered to him by the justices to be held in prison, to go free by bail, mainprise or surety, without being returned to the justices. This causes great harm, as the indicted persons sometimes kill, assault, or threaten those who have indicted or accused them. Request for remedy, in order to maintain the peace and punish wrongdoers.

Response: Previously in parliament at York, Henry le Scrope and his colleagues, justices of pleas before the king, were instructed to have such prisoners held, and guards contravening this to be punished. The previous order is to be repeated, or the complainant should have a writ of chancery if he so wishes.

Enrolled.

Text

A nostre seigneur le Roi et a son consail; soit monstre qe tut soit il issint, qe solom la ley de la terre la quele le Roi et touz ses subgitz sunt tenez a garder auscune gent qe sunt enditeez ou retteez de felonie, et auscuns soyent replevisables et auscuns ne mie, ne pur quant le mareschal du baunk nostre seigneur le Roy, auscune gent qe sunt enditeez de mort de homme et d'autres felonies, por les queles eux ne sunt mie replevisables solom la ley de la terre et lui sunt liverrees par les iustices de tenir en prisoun, les lest aler la ou eux voelent par bail, meynpriseion ou plevine sanz remaundement des iustices, dont grant mals avienent en mult de manieres, kar la ley de

la terre est enfrainte, et ceux qe deyvent issint estre garde en prisoun et vount issint a large a lur volunte auscune foiz tuent, auscune foiz batent et auscune foiz hautement manacent ceux qe les unt issint endite ou rette de teles felounies, a grant damage et effray de eux, par quei la paes est meyns bon garde et les meffaisours meyns puni queux ne deussent estre. Dont bon serroit de mettre sur ceo covenable remedie, por la terre meyntenir, la paes garder et les meffaisours punir.

Response: Alias in parlamento apud Eboracum convocato iniunctum fuit Henrico le Scrop et sociis suis iusticiariis ad placita coram rege etcetera quod prisiones huiusmodi custodiri facerent et custodes contravenientes punirent. Ideo recitetur prius mandatum et alias iniungatur eidem vel si querens voluerit habeat super hoc breve de cancellaria. Irrotulatur.

Note

A Latin summary of this petition, along with the response, is found (twice) on the roll for the parliament held at Westminster in October 1320 (*RP*, I, 372, 374 = *PROME*, III, 410, 412–413), where it is recorded as a ‘petition of the commonalty of England’ (*communitatis Anglie*). Two parliaments had been held at York, in May 1319 and January 1320, between the appointment of Henry Scrope as chief justice of king’s bench (in 1317) and the October 1320 assembly. No record of the instruction noted in this petition exists in the record for 1319, and there is no surviving parliament roll for January 1320. It is likely that, as no additional date is specified, it was the more recent York parliament which is referred to in the response. An additional protest from ‘the entire community of the realm’, about the large numbers of felonies and disturbances of the peace, is found on the roll of the 1320 assembly (*RP*, I, 371 = *PROME*, III, 381).

The complaint in the present petition was a perennial issue in the fourteenth century. The office of marshal of the king’s bench was typically performed by deputies, who sometimes appointed deputies of their own (*SCCKB*, VI, xliv). The lack of a permanent place of detention for persons indicted before the semi-itinerant court of king’s bench meant that bail was often determined by the keeper of the local gaol in which the prisoner was detained, making the system capricious and open to corruption (Pugh 1968: 208). The order resulting from the present petition seems to have been ineffective, since a statute